



AF IFW

DOCKET NO. 13529STUS01U (NORT10-00322)  
Customer No. 33000

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of : STEVE NIXON, ET AL.  
Serial No. : 09/735,499  
Filed : December 14, 2000  
For : ENHANCED UNIFIED MESSAGING SYSTEM WITH A QUICK VIEW FACILITY  
Group No. : 2173  
Examiner : N. Pillai

**MAIL STOP APPEAL BRIEF - PATENTS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF MAILING BY FIRST CLASS MAIL**

Sir:

The undersigned hereby certifies that the following documents:

1. Appellant's Reply Brief; and
2. Postcard receipt

relating to the above application, were deposited as "First Class Mail" with the United States Postal Service, addressed to MAIL STOP APPEAL BRIEF - PATENTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on **June 12, 2006**.

Date: 6/12/06

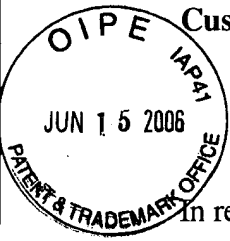
Date: 6/12/2006

Kathy Cedar  
Mailer  
Robert D. McCutcheon  
Robert D. McCutcheon  
Reg. No. 38,717

P.O. Drawer 800889  
Dallas, Texas 75380  
Phone: (972) 628-3600  
Fax: (972) 628-3616  
E-mail: [rmccutcheon@munckbutrus.com](mailto:rmccutcheon@munckbutrus.com)

DOCKET NO.: 13529STUS01U (NORT10-00322)  
Customer No. 33000

PATENT



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: : STEVE NIXON, ET AL.  
Serial No. : 09/735,499  
Filed : December 14, 2000  
For : ENHANCED UNIFIED MESSAGING SYSTEM WITH A  
QUICK VIEW FACILITY  
Group No. : 2173  
Examiner : N. Pillai

**MAIL STOP APPEAL BRIEF - PATENTS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**APPELLANT'S REPLY BRIEF**

In response to the Examiner's Answer mailed April 10, 2006, this Reply Brief is submitted for the application identified above. Please charge any necessary fees to Deposit Account No. 50-0208.

**I. The Examiner asserts that a reference teaching a message with only one attribute anticipates a claim reciting a message with two distinct attributes.**

The claim language recites a message having two attributes: it is either new or old and it either has or has not had a notification cleared. The Examiner finds the claims anticipated by the *Helpman* reference, which, by the Examiner's own description, teaches a message with only one attribute: it is either new or old. In describing the teaching of the *Helpman* reference, the Examiner states:

A notification involves relaying to the user the presence of new and unread email messages. Once this notification has occurred and the messages are not considered new or unread, the notification can be determined to be clear. (*Examiner's Answer*, p. 10, lines 8-11).

Once the notification status has been cleared, the responsibility of notifying the user that an email message is new and unread is alleviated and this email message then becomes an old and previously read message instead of having a new and unread message status. (*Examiner's Answer*, p. 10, lines 16-19).

Once the messages have been read, and are therefore not new, the notification status would be cleared and these messages would be placed in a respective area of the display indicating the messages that have had the notification status cleared and does not require further notification to the user of these messages. (*Examiner's Answer*, p. 11, lines 3-6).

Thus, by the Examiner's own description of the *Helpman* reference, notification is given of a message that is new and the notification is cleared by reading the message.

In contrast, the claim recites listing messages that are new and for which a notification has not been cleared. Not listed are messages that are new, but for which a notification has been cleared.

The Examiner continues to improperly find anticipation of a claim reciting a message with two distinct attributes (new/old; notification cleared/not cleared) in a reference teaching a message with only one attribute (new/old).

**II. The Examiner asserts that a reference teaching a list of mailboxes with a summary of the status of messages in each mailbox anticipates a claim reciting a list of message notifications.**

On page 12, lines 2-6, the Examiner asserts:

The second column in section 40 of Figure 3A indicates a listing of the messages that have been unread and new as indicated by the column title “unread/tot”, the unread messages having the classification of messages that have not had a notification status cleared and this being a listing of message notifications.

The Examiner’s description of what is shown in section 40 of Figure 3A is contrary to the description in the *Helfman* reference: “Window 40 lists the existing mailboxes, and selected data about them.” (*Helfman*, col. 5, lines 26-27). Furthermore, the column of section 40 relied upon by the Examiner, titled “unread/tot,” does not present a listing of message notifications, as recited in the claims, but rather a summary of the status of messages in a mailbox.

**III. The Examiner asserts that a reference teaching rules for the placement of messages in mailboxes anticipates a claim reciting selecting a functionality to manipulate a particular message notification.**

Claim 2 recites manipulation of a selected message notification by selecting a functionality from a plurality of options. That is, the user is permitted to select a particular notification from a list of message notifications and is presented with a plurality of optional functions to perform on the selected notification. In support of the alleged anticipation of Claim 2 by the *Helfman* reference, the Examiner states:

The options referred to by Helfman are used for determining the placement of message notifications. ... In one example, ...[a] specification of a field would allow for the message notifications to be placed in an associated mailbox. Therefore there are options given to the user and variable means through which message notifications are determined and placed in the display for the user to access. (*Examiner's Answer*, p. 12, lines 9-20).

First, the *Helfman* reference describes placing messages in mailboxes, not message notifications, as asserted by the Examiner. Second, the *Helfman* reference teaches creating rules for sorting messages into mailboxes upon their arrival. It does not teach selecting a message notification from a list of such notifications and being presented with a plurality of options for functions with which to manipulate the selected notification, as recited in the claims.

**CONCLUSION**

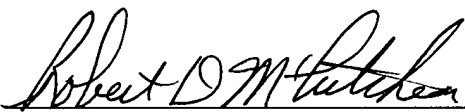
The Appellant has demonstrated that the present invention as claimed is clearly distinguishable over the prior art cited of record. Therefore, the Appellant respectfully requests that the Board of Patent Appeals and Interferences reverse the final rejection of the Examiner and instruct the Examiner to issue a notice of allowance of all claims.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Munck Butrus Deposit Account No. 05-0208.

Respectfully submitted,

MUNCK BUTRUS, P.C.

Date: 6/12/2006

  
Robert D. McCutcheon  
Registration No. 38,717

P.O. Drawer 800889  
Dallas, Texas 75380  
(972) 628-3621 (direct dial)  
(972) 628-3600 (main number)  
(972) 628-3616 (fax)  
E-mail: [rmccutcheon@munckbutrus.com](mailto:rmccutcheon@munckbutrus.com)